

UNITED STATES DISTRICT COURT

for the

JAN 22 2019

BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERKWarren Jerome White
Petitioner

v.

Case No.

119cv00047
(Supplied by Clerk of Court)Danville Circuit Court
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Warren Jerome White
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Danville City Jail
(b) Address: P.O. Box 3304 Danville, VA. 24543
- (c) Your identification number: 11730
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Danville CIRCUIT COURT
P.O. Box 3304 Danville, VA. 24543
(b) Docket number of criminal case: CR17000991-00 - CR18001276-00
(c) Date of sentencing: October 25, 2018
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Danville CIRCUIT COURT
P.O. Box 3304 Danville VA, 24543

(b) Docket number, case number, or opinion number: CR17000991-00 - CR18001276-00

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I'm challenge that on my case the lawyer and the judge over looked the fact that some of the evidence was falsified which made the sentence imposed longer than it should be.

(d) Date of the decision or action: October 25, 2018

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes

☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: They said I was driving a Nissan minivan when we never owned a Nissan minivan. And witnesses gave police partial identification and never did a line up

(a) Supporting facts (Be brief. Do not cite cases or law.):

in most criminal casing is it in procedure to do line ups to make sure you have right suspect.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: They stated that I gave a fake identity but the state never showed proof in court.

(a) Supporting facts (Be brief. Do not cite cases or law.):

on this charge the dates are inconsistant with the incident report and body cam

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: When they came to the 800 Stokes St. looking for a wanted suspect by the name of R. Jackson not me

(a) Supporting facts (Be brief. Do not cite cases or law.):

They went to his mom house looking for him which is the 800 Stokes St. address they went to and asked my wife did they know R. Jackson and Ross is locked up now facing charging

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR: The police had no probable cause to harass me when looking for Ross Jackson. Because they knew how he look like

(a) Supporting facts (Be brief. Do not cite cases or law.):

He have one eye and I have both of my eyes and we look nothing alike he out weight me by a 100 pounds

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

The lawyer told me to plead guilty because they had me on the body cam. It appear my lawyer didn't won't to fight for me.

Request for Relief

15. State exactly what you want the court to do:

I would like a fair chance with the law and a chance to prove that I am innocent

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

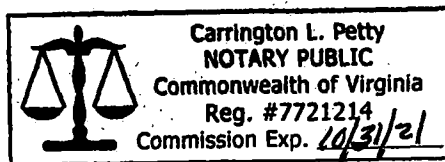
January 22-2019

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 1-22-2019

Warren Jerome White
Signature of Petitioner

Signature of Attorney or other authorized person, if any



City/County of Danville
Commonwealth of Virginia

I certify this to be a complete, exact and true copy of the original document. Certified this

17th day of January, 2019

Carrington L. Petty Notary Public

Reg # 7721214 Com Exp 10/31/21

Jarren Jerome White #1146654
P.O. Box 3304
Danville VA, 24543



210 Franklin Road

South west Suite 540

Roanoke VA, 24011